

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, September 14, 2020, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in Executive Session at 6:00 PM, in the City's, EOC, the authority of ORS 192.660(2)(i) "To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing."

CITY COUNCIL

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Gotcha Covered Curry County Mask Making Project Proclamation [Pg. 3]
2. Appoint Staci Barr to Budget Committee [Pg. 4]
3. Accept William Dondom's resignation from Planning Commission [Pg.8]
4. Appoint George B "Skip" Watwood III to the Planning Commission [Pg.10]
5. Yard of the Month – August
 - a. Best Residential – Randy & Cindy Parisot, 1104 Sandy Lane
 - b. Best Commercial – La Flor De Mexico, 541 Chetco Ave

E. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

F. Consent Calendar

1. Approve Council minutes for August 24, 2020 [Pg.14]
2. Accept Council minutes for August 31, 2020 [Pg.18]

G. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. Azalea Park & Bud Cross Park Ball Field MOU [Parks Pg.20]
 - a. MOU with Brookings Harbor Baseball Club [Pg.21]
 - b. MOU with Wild River Soccer Club [Pg.23]
2. Accept Judge Harper's Resignation and appoint new Municipal Court Judge and approve new agreement. [City Manager Pg.25]
 - a. Judge Harper's resignation, August 10, 2020 [Pg.26]
 - b. Judge Milliman's current Pro-tem agreement, September 24, 2018 [Pg.27]
 - c. Gary Milliman's letter of interest, August 17, 2020 [Pg.30]
 - d. Judge Milliman's new draft agreement – Municipal Court Judge [Pg.33]

H. Informational Non-Action Items

1. August Vouchers [Pg.35]
2. Commission/Committee Vacancies [Pg.39]

I. Remarks from Mayor and Councilors

J. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the council chambers will be limited and social distancing of six (6) feet will be required and maintained. If you would like to view the City Council Meeting live, you can via:

- Television – Charter Channel 181

- Internet – Go to the City of Brookings website at <http://www.brookings.or.us>

Watch Meeting Live instructions: 1. Visit the City of Brookings website home page. 2. Click on Government (top page). 3. Click on City Council (right side). 4. Under Agenda & Meetings click Watch Meeting Live. 5. You will need to download the VLC Media Player. Follow directions and links for your device.

On computers, it is possible to stream the meetings LIVE by copying and pasting the following link inside your web browser: <mms://68.185.2.46:8080>

City of Brookings *Proclamation*

WHEREAS; the members of the Gotcha Covered Curry County Mask Making Project, risked their actual lives to make masks for the citizen of Curry County; and

WHEREAS, the members consisted of 28 volunteers who gathered supplies, organized, located fabric, and hand sewed masks; and

WHEREAS, each masks takes 2 hours to construct including treating, cutting, folding, and sewing fabric together; and

WHEREAS, each mask consists of two pieces of material with ties and a wool filter for filtration that have to be inserted; and

WHEREAS, the members volunteered their time and efforts in making over 1200 masks for the community of Brookings and Curry County; and

WHEREAS, the members delivered masks to elder care homes facilities, health care facilities, large retailers, and individual retail stores; and

WHEREAS, it took over 4000 volunteer hours in five months to construct, deliver and distribute the handmade masks;

NOW, THEREFORE, the Brookings City Council hereby proclaims and recognizes the volunteer efforts of the members of the

Gotcha Covered Curry County Mask Making Project

BE IT FURTHER RESOLVED, that the Councilors commends the Gotcha Covered Curry County Mask Making members, for their commitment to this worthy endeavor in protecting the citizens of Brookings and Curry County.

In Witness Whereof, I, Mayor Jake Pieper,
do hereto set my hand and cause the official seal
of the City of Brookings, Oregon, to be affixed
this 14th day of September, 2020.

Mayor Jake Pieper

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 10, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Appoint Staci Barr to the Budget Committee

Recommended Motion:

Move to appoint Staci Barr to the Budget Committee in position number 3 to expire February 1, 2022.

Financial Impact:

None

Background/Discussion:

Staci Barr has submitted an application for appointment to the Budget Committee; the Mayor has reviewed application for consideration of appointment.

Attachment(s):

a. Volunteer Committee Application

RECEIVED

SEP 09 2020



CITY OF BROOKINGS

City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: Staci Barr

Physical Address: 907 Barbra Lane

Mailing Address: PO Box 790

Email Address: staci.barr@usbank.com Phone: 5414695353

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

- | 1. Commission/Committee applying for: | <u>Composition (i)</u> | <u>Term (ii)</u> |
|---|--------------------------|------------------|
| <input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input checked="" type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): _____ | | |
2. City residents: How long have you lived in the City of Brookings? 16 years 1 months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☒ Yes ☐ No
3. UGB residents: How long have you lived in the UGB? _____ years _____ months
4. What is your current occupation? US Bank Branch Manager

NOTES:

(i) Membership requirements:

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Office).
- UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).

(ii) Term: Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) Other restrictions:

- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.

PART III Background Information: *(Attach additional pages if needed)*

1. List your related experience and/or background to the position you are applying for:

For over the past seven years, I have been in management at a financial institution. I continually work with finances, lending, budgeting and cash flow. Prior to being at a local financial institution, I was a mortgage loan officer. I understand financing and budgeting on a large scale perspective.

2. List any unrelated work history, educational background, and volunteer experience you may have:

I am part of the local Rotary and am the advisor for the High School club of Interact. Through this affiliation and a number of volunteer hours, I enjoy educating our local teens on how to manage their finances and bank accounts. A lot of todays youth do not understand that just because they have a debit card they have money to spend. As checks are going away and online experiences are becoming the new normal, I know that we need to educate those that are going to be taking our positions in the future.

3. Briefly describe your interest in this position and what you hope to accomplish:

My family and I have lived in Brookings since 2004. My husband Robert Warren, has been managing Barron's Warehouse for over 20 years. Our son, Colby, is a junior in high school here at Brookings Harbor High. My family's future is here in Brookings and I would like to be a part in its future. I want to make sure the people of Brookings have the best that our area can provide for us. We live in such a majestic place that I want myself, my family, our residents and our visitors to obtain the most out of what is Brookings.

PART IV Volunteer Agreement: Please read and check off the following before signing:

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Staci Barr

Applicant (print name)

Applicant's Signature

September 9, 2020

Date

****Planning Commissioners holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at http://www.oregon.gov/ogec/docs/sei/sei-11_form_sample_only_for_website.pdf. Official forms provided by OGE.**

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular business hours are 9 am to 4:30 pm, Monday – Friday.

Commission and Committee contact information:

- **Planning Commission: 541-469-1103 - lziemer@brookings.or.us**
- **Budget Committee: 541-469-1123 - jhoward@brookings.or.us**
- **Parks and Recreation Commission: 541-469-1103 - lziemer@brookings.or.us**
- **Tourism Promotion Advisory Committee: 541-469-1103 - lziemer@brookings.or.us**

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 14, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Accept William Dundom's resignation from the Planning Commission

Recommended Motion:

Move to accept William Dundom's resignation from the Planning Commission.

Financial Impact:

None

Background/Discussion: William Dundom has served on the Planning Commission since October 2019. William Dundom email in his resignation letter on August 21, 2020.

Attachment(s):

a. Resignation email letter

Janell Howard

From: Jake Pieper <jpieper@brookings.or.us> on behalf of Jake Pieper
Sent: Friday, August 21, 2020 2:22 PM
To: Janell Howard
Subject: Fwd: Online Form Submittal: Contact Mayor or City Council

Jake Pieper
Mayor
City of Brookings
541-469-1104

Begin forwarded message:

From: noreply@civicplus.com
Date: August 21, 2020 at 1:09:22 PM PDT
To: jpieper@brookings.or.us
Subject: Online Form Submittal: Contact Mayor or City Council

Contact Mayor or City Council

First Name	Bill
Last Name	Dundom
Email Address	bigfootbootgrease@gmail.com
Phone Numbers	5414694379
Address	PO Box 1502
City	Brookings
State	Or
Zip	97415
Council Member You Wish to Contact	Mayor Jake Pieper
Message	Jake, I regret to say that I must resign from the Planning Commission, effective immediately. Some unanticipated health issues have arisen that demand my full attention. Thank you for the opportunity to serve my community. Best to all. Sincerely Bill Dundom

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 14, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Appoint George B “Skip” Watwood III to Planning Commission

Recommended Motion:

Move to appoint George B “Skip” Watwood III to the Planning Commission in position number 5 to expire April 1, 2022.

Financial Impact:

None

Background/Discussion:

Skip Watwood has submitted an application for appointment to the Planning Commission; The Mayor has reviewed application for consideration of appointment. Watwood has served on the Tourism Advisory Committee from September 4, 2013 to June 22, 2020.

Attachment(s):

a. Volunteer Committee Application

RECEIVED

SEP 10 2020

Chamber
CITY OF BROOKINGS



City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: 541-469-2163 Fax: 541-469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A COMMISSION OR COMMITTEE

PART I Contact Information:

Applicant Name: George B "Skip" Watwood III

Physical Address: 97050 Dodge Ave

Mailing Address: PO Box 6067, Brookings, OR, 97415

Email Address: skip@century21agate.com Phone: (541)661-1504

PART II Position Selection, Requirements and Restrictions: (Please answer all that apply)

- | 1. Commission/Committee applying for: | <u>Composition (i)</u> | <u>Term (ii)</u> |
|--|--------------------------|------------------|
| <input checked="" type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii) | 5 Electors, 2 UGB | 4 years |
| <input type="checkbox"/> Budget Committee | 5 Electors | 3 years |
| <input type="checkbox"/> Parks and Recreation Commission | 4 Residents, 1 UGB | 2 years |
| <input type="checkbox"/> Tourism Promotion Advisory Committee (TPAC) (iii) | 4 Residents, 3 Curry Co. | 3 years |
| <input type="checkbox"/> Other (please specify): _____ | | |
2. City residents: How long have you lived in the City of Brookings? _____ years _____ months
Planning & Budget Applicants Only: Are you a City elector (registered voter)? ☐ Yes ☐ No
3. UGB residents: How long have you lived in the UGB? 21 years _____ months
4. What is your current occupation? Realtor

NOTES:

(i) *Membership requirements:*

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Office).
- UGB members must reside within the Brookings Urban Growth Boundary (contact the Planning Department at 541-469-1137 for assistance in determining UGB status).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- Planning Commission: No more than two (2) Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- TPAC: The three (3) Curry Co. members must own property, own a business or be employed in the City.

PART III Background Information: (Attach additional pages if needed)

1. List your related experience and/or background to the position you are applying for:

I have 15 years experience working for general engineering contractors.s

I have previously been a licensed contractor in the state of Oregon for approxmately 10 years.

I have been a licensed Real Estate Broker in the State of Oregon since 2003

2. List any unrelated work history, educational background, and volunteer experience you may have:

I have previously volunteered coaching & refereeing youth sports.

I have been a past TPAC member for the City of Brookings.

I have served on the Curry County Board of Realtors board of directors in multiple capacities including Treasurer and President.

3. Briefly describe your interest in this position and what you hope to accomplish:

I would like to see Brookings continue to be developed according to the comprehensive plan set forth by the former planning commssions and city councils.

PART IV Volunteer Agreement: Please read and check off the following before signing:

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

George B "Skip" Watwood III

Applicant (print name)

09/10/2020

Applicant's Signature

Date

****Planning Commissioners holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at [http://www.oregon.gov/ogec/docs/sei/sei-11 form sample only for website.pdf](http://www.oregon.gov/ogec/docs/sei/sei-11_form_sample_only_for_website.pdf). Official forms provided by OGE.**

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- Tourism Promotion Advisory Committee: 541-469-1103 - lziemer@brookings.or.us

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, August 24, 2020

Call to Order

Mayor Pieper called the meeting to order at 7:00 PM

Roll Call

Council Present: Mayor Jake Pieper, Councilors Brad Alcorn, Brent Hodges, John McKinney and Ron Hedenskog; a quorum present.

Staff present: City Manager Janell Howard, Public Works and Development Services Director Anthony Baron, Planning Tech Lauri Ziemer, Attorney Anne Davies and Deputy Recorder Amber Nalls.

Media Present: None

Others Present: Approximately 50 audience members

Oral Requests and Communications from the Audience

Diana Cooper – 805 Paradise Lane, Brookings, OR addressed Council regarding an update on the Brookings Homeless Task Force.

Machell Carroll – 6577 Lucky Lane #302 Brookings, OR addressed Council regarding an update on the Brookings and Jackson County Homeless Task Forces.

Erin Porter – 615 5th St, Brookings, OR address the Council regarding mental health and homeless during COVID-19.

Beth Barker-Hidalgo – 29316 Smith Lane, Gold Beach, OR addressed the Council regarding the Curry Homeless Coalition and FEMA PA Non-Congregate Shelter grant.

Consent Calendar

1. Approve Council minutes for August 10, 2020
2. Approve Special Council minutes for August 13, 2020
3. Receive monthly financial report for July 2020

Councilor Hodges moved, Councilor Alcorn seconded, and Council voted unanimously to approve the Consent Calendar.

Quasi-Judicial public hearing in the matter of File No. APP -1-20 of the Planning Commission's denial for a Conditional Use Permit, File No. CUP -2 -20 a request for approval of a Conditional Use Permit to establish a 14- unit residential care facility on a .58 acre parcel located at 17212 S. Passley Road; Assessor's Map 4014-36BA, Tax Lot 02200; zoned R-1-6 (Single Family Residential). The applicant/owner is Brett Kemp.

The public hearing was opened at 7:18 p.m. Councilors declared ex parte contact. Councilor McKinney declared he visited the site. Councilor Hedenskog visited the site and had contact with a Planning Commissioner but no discussion on the matter. Councilor Alcorn stated he lives on S. Passley Road and has visited the site. He stated he had a conversation with a neighbor but no discussion was made about the matter. Councilor Alcorn witnessed neighbors circulating a petition but did not sign the petition. Mayor Pieper declared a site visit and noted he had conducted business with the applicant and some members of the audience in the past.

He also disclosed he received an email from the applicant and informed the applicant he could not discuss anything in regards to the matter.

Council Alcorn disclosed he could have a personal bias if property values are discussed with in the hearing due to the fact he owns a home in the neighborhood. This could be a potential conflict of interest. Mayor Pieper asked Councilor Alcorn if this could disallow his participation in the hearing. Alcorn declared no.

Council Alcorn disclosed he may have a conflict of interest because he lives near the applicants parcel. Alcorn stated he is not prejudice in any way and has entered into this hearing with an open mind and will evaluate, discuss, and vote based on the factual record.

Gerald Klaas – 96490 Dawson Rd asked Councilor Alcorn wanting to know if he was familiar with the applicants. Alcorn stated no he has ever met them nor had a conversation with them.

No one objected to the jurisdiction of the City Council to hear this matter.

Staff Reports

Appeal of the Planning Commission denial of a Conditional Use Permit to establish a 14-unit residential care facility at 17212 S Passley

Anthony Baron presented the staff report.

Anthony Baron entered into public record Exhibit A, additional information to his council agenda report and Exhibit B, final order for sub-1-03.

Applicants – Brett and Aga Kemp presented power point presentation.

Anna Curtis – 234 Cypress St. Brookings, OR addressed Council in support of the applicants.

Rachel Ochoa – 719 6th St. Brookings, OR addressed Council in support of the applicants.

Jenny Horvath – 97555 Kimball Hill Rd. Gold Beach, OR addressed Council in support of the applicants.

Charles Cooper – 805 Paradise Ln. Brookings, OR addressed Council in support of the applicants.

James Capon – 919 Easy St. Brookings, OR addressed Council in support of the applicants.

Attorney Garrett West – 823 Alder Creek Drive Medford, OR addressed Council in representing West Cliff Drive residents, in opposition to the applicants.

Victor Ortega – 96511 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Denise Ortega – 96511 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Brenda Cox – 17323 Blueberry Dr. Brookings, OR addressed Council in opposition to the applicants.

Debbie Gleason – 17192 S Passley Rd. Brookings, OR addressed Council in opposition to the applicants.

Karen O 'Rear – 96505 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants. Submitted site photos entered into public record as Exhibit C.

Loren Rings – 96407 Oceanside East Dr. Brookings, OR addressed Council in opposition to the applicants.

Georgeann Rudicel – 17285 Garvin Ct. Brookings, OR addressed Council in opposition to the applicants.

Marco Thorson – 96507 West Cliff Dr. Brookings, OR addressed Council in opposition to the applicants.

Gerald Klass – 96490 Dawson Rd. Brookings, OR addressed Council in opposition to the applicants.

Sandra Geiger – 96422 Oceanside Dr. Brookings, OR addressed Council in opposition to the applicants.

Sara Towne – 96420 Oceanside Dr. East Brookings, OR addressed Council in opposition to the applicants.

Council took a five minute recess

No other interested parties made comments

No staff additional comments

Councilor Hedenskog questioned staff. He asked if the applicants would be required to have a site drainage plan. Anthony Baron replied “yes” when they submit for a building permit.

Applicants gave a brief rebuttal addressing concerns presented.

Council McKinney asked the applicants “what criteria they were going to use for the 14 bed facility as far as bringing in patients?” Applicants replied they will be the elderly and veterans.

Councilor Hedenskog ask the applicant if they are going to have bus transportation for the residents. Applicant replied only personal cars for transportation.

Councilor Hedenskog ask the applicant if they own any other residential facilities. Applicant replied “no.”

Councilor Alcorn asked who pays for the residents, if there is any State funding and what is the business plan if only 20% of the beds are full. Applicant advised various sorts of funding sources are used for costs. He also asked about rapid evacuation plans with resident with limited mobility and protocol? Applicant replied, DHS regulations will be adhered to.

No participant requested additional time to present evidence.

The Applicant did not request additional time to submit written argument and is willing to waive written argument and have a decision made this evening.

Public testimony was closed at 10:03 p.m. on File No. APP-1-20; Cup -2-20.

Council had discussion with each other and staff in regards to the matter.

Councilor Hedenskog moved, Councilor Hodges seconded and Council voted unanimously to approve a Conditional Use Permit CUP-2-20 with added requirements and conditions:

- 1. Require the road to be filled out on West Cliff Rd to meet the standards of the City Engineer and the Brookings Municipal Code.**
- 2. Restrict emergency vehicle response with no lights, no sirens during off hours.**
- 3. Make a clear statement that the CUP-2-20 is for operating an elderly care facility.**
- 4. Require a plot plan submitted to the City Engineer to determine if there sufficient onsite turn around this also includes their road that they have to develop.**

5. State that this conditional use permit is for 14 beds only or state 14 bedrooms.
6. Fire drills will not be executed on off hours.
7. Require a preliminary drainage plan that meets with the approval of the City Engineer and would include any information about the culvert that is located on the north side of the property.
8. Research the possibility of an agreement with the church for additional parking.

Remarks from Mayor and Councilors

None

Adjournment

Councilor Hedenskog moved, Councilor McKinney seconded and Council voted unanimously to adjourn the meeting at 11:38 PM.

Respectfully submitted:

ATTESTED:
this day of , 2020:

Jake Pieper, Mayor

Janell K. Howard, City Recorder

City of Brookings

CITY COUNCIL SPECIAL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Monday, August 31, 2020

Call to Order

Mayor Pieper called the meeting to order at 7:00 PM

Roll Call

Council Present: Mayor Jake Pieper, Councilors Brad Alcorn, Brent Hodges, John McKinney and Ron Hedenskog; a quorum present.

Staff present: City Manager Janell Howard, Public Works and Development Services Director Anthony Baron, and Deputy Recorder Amber Nalls.

Media Present: None

Others Present: Approximately 15 audience members

Staff Reports

APP-1-20/CUP-2-20 – Final Order for a Conditional Use Permit to establish a 14-unit residential care facility at 17212 S. Passley.

Anthony Baron presented the staff report.

Councilor Hodges moved to approve the Final Order regarding file CUP-2-20, based on the findings and conclusions stated in the staff report and subject to the conditions of approval as read by Tony Baron. Motion was seconded, council voted. Councilor Hodges and Mayor Pieper were in favor. Councilors' McKinney, Hedenskog and Alcorn were opposed. Motion failed.

Councilor Hedenskog moved, to approve the Final Order regarding file CUP-2-20, based on the findings and conclusions stated in the staff report and also what was reported by Planning Director at this meeting and included one more condition that the roads be constructed in such a fashion that the adjoining portions of the road be matched elevation wise.

Council discussed the second motion and revised it to.

Councilor Hedenskog moved to approve the Final Order regarding file CUP-2-20, based on the findings and conclusions stated in the staff report and also what was reported by Planning Director at this meeting and include one more condition that the new road be constructed in such a fashion that the near adjoining edges of pavement should be at the same level of elevation or profile. Motion was seconded and Council voted. Councilors' Hodges, Hedenskog and Mayor Pieper were in favor. Councilors' Alcorn and McKinney were opposed. Motion passed.

Remarks from Mayor and Councilors

Mayor Pieper remarked that is not the best case scenario for starting neighborhood relationships. He said he has hope that in time things can get better.

Adjournment

Councilor Hedenskog moved, and Council voted unanimously to adjourn the meeting at 7:46 PM.

Respectfully submitted:

ATTESTED:
this day of , 2020:

Jake Pieper, Mayor

Janell K. Howard, City Recorder

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 14, 2020

Originating Dept: Parks

Signature (submitted by)

City Manager Approval

Subject:

Azalea Park and Bud Cross Park Ball Field User Memorandum of Understandings (MOU)

Recommended Motion:

Motion to authorize the Mayor to execute Memorandum of Understandings with:

- Brookings Harbor Baseball Club
- Wild Rivers Soccer Club (previously Brookings Harbor Soccer League)

Financial Impact:

None

Background/Discussion:

With the completion of the Azalea Park Sports Complex additional non-profit sport leagues have developed and requested use of City park fields and facilities. In order to memorialize the duties and responsibilities of each organization a MOU is beneficial.

Long term plans for maintenance of facilities where grant money is contributed by the Oregon Parks and Recreation Department is required in order to show there is public commitment and that maintenance isn't the sole responsibility of the municipality. A written MOU between the City and user groups puts the City in good position when responding to this requirement.

Attachment:

- a. Memorandum of Understanding with Brookings Harbor Baseball Club
- b. Memorandum of Understanding with Wild River Soccer Club

**MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF BROOKINGS
AND
BROOKINGS HARBOR BASEBALL CLUB**

The parties to this Memorandum of Understanding (MOU) are the City of Brookings (CITY), an Oregon municipal corporation, and the Brookings Harbor Baseball Club (BHBC), an Oregon non-profit corporation.

WHEREAS, CITY owns the area known as Azalea Park Sports Complex, inclusive of one multi-use field, two adult softball fields, restroom/concession building, equipment room, field fences, and all appurtenances associated with the use of the sports complex at Azalea Park; and

WHEREAS, CITY owns the area known as Bud Cross Park, inclusive of a restroom building, concessive building with equipment room, equipment building, field fences, backstops, scorers boxes, bullpens, dugouts, and all appurtenances associated with the use of the fields at Bud Cross Park; and

WHEREAS, BHBC uses the Azalea Park Sports Complex and Bud Cross Park for practices and league play; and

WHEREAS, BHBC uses said properties "in season" annually.

NOW, THEREFORE, the parties agree as follows:

1.0 BHBC OBLIGATIONS

- 1.01. Maintain all league owned equipment within the Azalea Park Sports Complex and Bud Cross Park.
- 1.02. Perform field preparation (chalking, infield dragging) on designated fields of use prior to practices and games as required.
- 1.03. Perform routine maintenance on designated fields of use and associated fencing in season.
- 1.04. Perform litter clean-up in and around Azalea Park Sports Complex and Bud Cross Park including the dugouts, spectator areas as well as the restroom/concession building, day use picnic areas and associated parking lots following games and practices during season.

2.0 CITY OBLIGATIONS

- 2.01. Mow grass areas all season
- 2.02. Perform weed abatement along fence lines all season
- 2.03. Perform annual maintenance of all structures
- 2.04. Empty trash receptacles as needed
- 2.05. Coordinate its maintenance activities with those of BHBC
- 2.06. Fertilize the ball fields, mulch and spray landscape areas all season

3.0 INSURANCE REQUIREMENT

BHBC will provide CITY with proof of an insurance policy covering general commercial liability on an occurrence basis, with a combined single limit of not less than \$1,000,000 for each occurrence of bodily injury, personal injury and property damage. City to be listed as additionally insured on policy. CITY and BHBC agrees that in the event of vandalism to any appurtenance specific to the use of BHBC the deductible expense will be shared equally.

4.0 TERM

This agreement shall take effect upon the execution of this agreement, and shall remain in effect in perpetuity or until terminated as described in this agreement.

5.0 TERMINATION

Either party for any reason may terminate this agreement provided that written notice of termination is given no less than thirty (30) days.

6.0 MEETINGS

Duly appointed representatives of the parties shall meet as needed to address mutual maintenance concerns and review the respective parties' responsibilities under this Memorandum. Further, the parties agree to consider jointly undertaking improvement projects or major cleanup projects when resources beyond those normally available for maintenance become available to either party.

7.0 HOLD HARMLESS CLAUSE

BHBC shall defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions of whatever nature resulting from or arising out of the activities of BHBC or its officers, employees, subcontractors, or agents under this MOU.

WHEREFORE, the parties have caused this MOU to be executed by their authorized representatives on this ____ day of _____, 2020.

CITY OF BROOKINGS
An Oregon Municipal Corporation

ATTEST

Jake Pieper, Mayor

Janell K. Howard, City Manager

BROOKINGS HARBOR BASEBALL CLUB
An Oregon Non-profit Corporation

Name: Izak Ehlers
Title: Pres

**MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF BROOKINGS
AND
WILD RIVERS SOCCER CLUB**

The parties to this Memorandum of Understanding (MOU) are the City of Brookings (CITY), an Oregon municipal corporation, and the Wild Rivers Soccer Club (WRSC), an Oregon non-profit corporation.

WHEREAS, CITY owns the area known as Azalea Park Sports Complex, inclusive of one multi-use field and two adult softball fields, restroom/concession building, equipment buildings, field fences, and all appurtenances associated with the use of the sports complex at Azalea Park; and

WHEREAS, CITY owns the area known as Bud Cross Park, inclusive of a restroom building, concessive building with equipment room, equipment building, field fences, backstops, scorers boxes, bullpens, dugouts, and all appurtenances associated with the use of the fields at Bud Cross Park; and

WHEREAS, WRSC uses the Azalea Park Sports Complex and Bud Cross Park for practices and league play; and

WHEREAS, WRSC uses said properties "in season" annually from the beginning of August through the end of October.

NOW, THEREFORE, the parties agree as follows:

1.0 WRSC OBLIGATIONS

- 1.01. Maintain all league owned equipment within the sports complex
- 1.02. Perform field preparation (chalking and/or field lining) on designated fields of use prior to practices and games as required.
- 1.03. Perform routine maintenance on designated fields of use and associated fencing in season.
- 1.04. Perform litter clean-up in and around the Azalea Park Sports Complex and Bud Cross Park including the dugouts, spectator areas as well as the restroom/concession building, day use picnic areas and associated parking lots following games and practices during in season.
- 1.05. Reseed goalie boxes and any other areas within designated fields of use damaged from in season use

2.0 CITY OBLIGATIONS

- 2.01. Mow grass areas all season
- 2.02. Perform weed abatement along fence lines all season
- 2.03. Perform annual maintenance of all structures
- 2.04. Empty trash receptacles as needed
- 2.05. Coordinate its maintenance activities with those of WRSC.
- 2.06. Fertilize the fields, mulch and spray landscape areas all season.

3.0 INSURANCE REQUIREMENT

WRSC will provide CITY with proof of an insurance policy covering general commercial liability on an occurrence basis, with a combined single limit of not less than \$1,000,000 for each occurrence of bodily injury, personal injury and property damage. City to be listed as additionally insured on policy. CITY and WRSC agrees that in the event of vandalism to any appurtenance specific to the use of WRSC the deductible expense will be shared equally.

4.0 TERM

This agreement shall take effect upon the execution of this agreement, and shall remain in effect in perpetuity or until terminated as described in this agreement.

5.0 TERMINATION

Either party for any reason may terminate this agreement provided that written notice of termination is given no less than thirty (30) days.

6.0 MEETINGS

Duly appointed representatives of the parties shall meet as needed to address mutual maintenance concerns and review the respective parties' responsibilities under this Memorandum. Further, the parties agree to consider jointly undertaking improvement projects or major cleanup projects when resources beyond those normally available for maintenance become available to either party.

7.0 HOLD HARMLESS CLAUSE

WRSC shall defend, save, hold harmless, and indemnify the City, its officers, agents, and employees from all claims, suits, or actions of whatever nature resulting from or arising out of the activities of WRSC or its officers, employees, subcontractors, or agents under this MOU.

WHEREFORE, the parties have caused this MOU to be executed by their authorized representatives on this ____ day of _____, 2020.

CITY OF BROOKINGS
An Oregon Municipal Corporation

ATTEST

Jake Pieper, Mayor

Janell K. Howard, City Manager

WILD RIVERS SOCCER CLUB
An Oregon Non-profit Corporation

Toni Placencia
Name: Toni Placencia
Title: WRSC President

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: September 14, 2020

Originating Dept: City Manager

Signature (submitted by)


City Manager Approval

Subject:

Accept Judge Harper's Resignation and appoint new Municipal Court Judge and approve new agreement.

Recommended Motion:

1. Accept Judge Rich Harper's Resignation.
2. Appoint Judge Gary Milliman to Municipal Court Judge, effective October 2, 2020, updating status from Judge Pro Tem.
3. Authorize Mayor to sign new agreement with Gary Milliman for Municipal Court Judge services.

Financial Impact:

Included in budget

Background/Discussion:

Municipal Judge Richard Harper submitted his resignation on August 10, 2020, effective as of October 1, 2020.

Gary Milliman currently has an agreement with the City of Brookings for Municipal Judge Pro Tem services, initially entered into in 2013, and most recently updated agreement as of September 24, 2018.

I am recommending that the Council appoint Gary Milliman to Municipal Court Judge, effective October 2, 2020, updating his status from Judge Pro Tem.

Attachment(s):

- a. Judge Harper's resignation, August 10, 2020
- b. Judge Milliman's current Pro-tem agreement, September 24, 2018
- c. Gary Milliman's letter of interest, August 17, 2020
- d. Judge Milliman's new draft agreement – Municipal Court Judge

August 10, 2020

Brookings City Council
898 Elk Dr.
Brookings, Or 97415

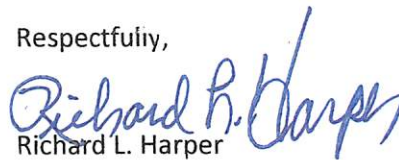
RECEIVED
AUG 13 2020
CITY OF BROOKINGS

Honorable Mayor and Council Members,

I was appointed as Brookings Municipal Judge on July 1, 1997. It has been my honor and privilege to have served in this capacity. I want to thank all past and present council members for the confidence and trust they have shown me through the years. It is hard for me to believe that it has been over twenty-three years of service to the City and the citizens of Brookings.

It is my intention to retire as your Judge with my last day of service being October 1, 2020 .

Respectfully,


Richard L. Harper

**AGREEMENT FOR SERVICES
MUNICIPAL COURT JUDGE**

This Agreement is made and entered into this 24th day of Sept., 2018, by and between the City of Brookings (City) a municipal corporation of the State of Oregon, and Gary Milliman (Milliman), collectively referred to as the "Parties."

RECITALS

Whereas, Milliman and City entered into an Agreement dated August 26, 2013, whereby Milliman was appointed to serve as Municipal Court Judge Pro Tem, and

Whereas, at that time Milliman was also serving as City Manager for City and performed the services of Judge Pro Tem without additional compensation. Milliman has now retired as City Manager, and

Whereas, Milliman has offered to serve as "Truancy Court Judge" in cooperation with the Brookings Harbor School District program to address chronic absenteeism.

NOWHEREFORE, the Parties agree as follows:

TERMS OF AGREEMENT:

1. **Contract for services:** City contracts with Gary Milliman for Municipal Court Judge services for the City of Brookings.
2. **Duties of Municipal Judge Pro Tem:**
 - a. Milliman will fully and faithfully perform all of the duties of Municipal Court Judge as defined under Chapter 2.25 of the Brookings Municipal Code and as set forth herein and in the attached job description.
 - b. Except as otherwise provided in 2(c) of this Agreement, Milliman shall only perform the duties of Municipal Court Judge in the absence and unavailability of Municipal Court Judge Richard Harper.
 - c. Milliman shall serve as "Truancy Court Judge" in cooperation with the Brookings Harbor School District.
 - d. Milliman shall comply with all applicable federal, state and local laws, ordinances, and regulations and faithfully discharge the duties of Municipal Court Judge to the best of his ability.
3. **Compensation:**
 - a. For general Municipal Court services and in the absence of Judge Richard Harper Milliman shall receive compensation of \$200.00 per court session.
 - b. Milliman shall not receive compensation for serving as Truancy Court Judge for the period October 1, 2018 through September 30, 2019. This matter will be reviewed not later than June 1, 2019.
 - c. City will budget and pay for up to \$1,500 in judicial continuing education expenses annually. Said expenses may include tuition, travel and per diem costs.

4. **Term:** The City Council may, by majority vote, terminate this Agreement and relieve Milliman of Municipal Judge duties and responsibilities at its sole discretion upon written notice. Milliman may terminate this Agreement for any reason upon written notice to the City Council.


5. **General provisions:**

- a. This Agreement, including the exhibits, constitutes the entire agreement between the Parties. Each of the exhibits identified in this Agreement is attached hereto and incorporated by this reference.
- b. Any modification or amendment to this Agreement must be made in writing and signed by both parties.
- c. This Agreement is personal to the Parties. Milliman may not assign or delegate his duties hereunder.
- d. This Agreement is executed on behalf of City as authorized by its City Council.
- e. If any legal action or proceeding arising out of or relating to this Agreement is brought by either party to this Agreement, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.
- f. This Agreement will be governed and interpreted in accordance with the laws of the State of Oregon. Any litigation between the parties under this Agreement or arising out of activities performed under this Agreement must be filed in Curry County Circuit Court or the U.S. District Court for the State of Oregon, as appropriate.
- g. Each signatory hereto represents and warrants that he or she has been duly authorized to sign this agreement on behalf of his or her respective party.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed and executed in Brookings, Oregon, on the day and year first written below.

Dated: September 24, 2018.

CITY OF BROOKINGS


By: Jake Pieper, Mayor
898 Elk Drive
Brookings, OR 97415
(541) 469-2163

MUNICIPAL JUDGE PRO TEM


By: Gary Milliman
1090 Parkview Drive
Brookings, OR 97415
(541) 412-7479

ATTEST:


Teri Davis, City Recorder

City of Brookings MUNICIPAL JUDGE

General Statement of Duties:

The Municipal Judge is the judicial officer of the City of Brookings and shall preside over the Municipal Court of the City of Brookings.

Distinguishing Features:

The Municipal Judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City of Brookings and of traffic crimes as defined by ORS 801.545; to commit any such person to jail or admit any such person to bail pending trial; to compel witnesses to appear and testify in Court on the trail of any cause before the Court; to issue subpoenas; to compel obedience to such subpoenas; to issue any process necessary to carry in effect the judgments of the Court; and to punish witnesses for contempt of court.

Supervision Received:

The Municipal Judge works under the supervision of the City Council. The Municipal Judge is appointed and may be removed by a majority vote of the City Council.

Jurisdiction:

All of the incorporated area, now or hereafter, within the City of Brookings shall be within the territorial jurisdiction of the Municipal Court and Municipal Judge.

Supervision Exercised:

No employees are supervised by the Municipal Judge.

Key Performance Areas:

The Municipal Judge shall have the authority to form and adopt reasonable rules for the conduct of Municipal Court business for the City of Brookings, provided, however, that the Municipal Judge shall not form or adopt any rule which contravenes the Constitution of the United States, the Constitution of the State of Oregon, the laws of the State of Oregon, or any ordinance of the City of Brookings.

The Municipal Judge shall set the days and hours when the Municipal Court of the City of Brookings will be in session for the transaction of judicial business.

Desirable Qualifications:

Knowledge of: Legal principles and rules of evidence.

Skill In: Maintaining decorum and order in hostile situations, weighing evidence, evaluating witness testimony, applying legal principles to situations, and maintaining the legal and civil rights of citizens.

Experience as: An attorney or judge, or in administration and adjudication of municipal codes and other complex regulations.



GARY MILLIMAN

City Manager Emeritus

1090 Parkview Drive, Brookings, OR 97415
Office: (541) 412-1405 Mobile: (541) 813-9267

gmilliman@brookings.or.us

Credentialed City Manager
Life Member
International City/County Management Association

ICMA Career Excellence Award
ICMA Management Innovation Award
Azalea Festival Grand Marshal

League of Oregon Cities Herman Kehrli Award

Mayor and City Council
City of Brookings

August 17, 2020

Gentlemen,

It has come to my attention that Judge Richard Harper plans to retire as Brookings Municipal Court Judge after 23 years of service. The purpose of this letter is to express my interest in serving as Brookings Municipal Court Judge effective with Judge Harper's retirement date.

JUDICIAL EXPERIENCE AND EDUCATION

I currently serve as Municipal Court Judge in four small cities handling cases including Municipal Code violations (nuisance properties, abandoned vehicles, animal control, other public nuisances), traffic and other matters, such as Minors-in-Possession.

In 2013 the City Council in Brookings expanded the jurisdiction of the Municipal Court to include traffic. Previously, the Court had handled only Municipal Code violations; Court sessions were infrequent. As City Manager, I organized and implemented the Court expansion. This included establishing new written policies, procedures and court rules. It also included hiring and supervising a part-time Court Clerk, and extensive interaction with Judge Harper.

As a part of the Brookings Court expansion I enrolled in several courses at the National Judicial College (NJC) and attended conferences conducted by the Oregon Municipal Judges Association. The City Council appointed me as Judge Pro Tem in 2013. For five years I attended every session of the Court, and presided in Court in the absence of Judge Harper.

In 2019, the City of Brookings and the Brookings Harbor School District entered into a memorandum of understanding (MOU) to establish Truancy Court as a part of the Municipal Court. I participated in the development of the MOU and prepared written policies and procedures. The City Council appointed me as Municipal Court Judge/Truancy and I presided in court adjudicating citations for violation of the mandatory school attendance provisions of State Law, which were adopted into the Municipal Code, until school attendance was curtailed due to COVID 19. I served as Truancy Court Judge without compensation.

The 2019 agreement with the City dropped the "Pro Tem" portion of my title; essentially, the City has been operating with two Municipal Court Judges since that time. My role has included

working with the city management in keeping the City updated on changes in State Law and procedures affecting the Municipal Court.

In August 2017 I was appointed as Municipal Court Judge for the City of Port Orford. The operation and reputation of the Court has significantly improved during my tenure. Once again I crafted the first-ever set of Court Rules which provide policy and procedures for the Court. Port Orford Municipal Court convenes monthly and handles traffic and Municipal Code violation cases. The City has a dedicated traffic officer and typically issues about 100 citations monthly. A typical Court session involves 2-3 trials, 5-15 “no contest” appearances, 20-30 letters from defendants requesting some form of consideration, and 10-20 license suspensions.

In May 2019 I was appointed as Municipal Court Judge for the City of Powers. Cases include traffic, Municipal Code violations, and other matters, such as Minor in Possession. I have been assisting the City with the rewriting of their code enforcement regulations, have written court rules, and have assisted the City staff with court administrative matters.

In May of this year I was appointed as Municipal Court Judge for the City of Lakeside. The main focus of my work is intended to be handling code enforcement cases. I have been assisting the City with the rewriting of their code enforcement regulations, have written court rules, and have assisted the City staff with court administrative matters.

I have completed several courses of study at the National Judicial College, including the “Special Courts Jurisdiction” program as required by the State of Oregon to serve as a non-attorney Municipal or Justice Court Judge. I have also completed the Oregon Criminal Justice Information System Security and Awareness Training and training in Commercial Driver’s License enforcement.

I currently serve on the Board of Directors of the Oregon Municipal Judges Association.

RELATED LEGAL, CODE ENFORCEMENT AND MANAGEMENT EXPERIENCE

While I am not an attorney, I have extensive experience in working with the law through my 47-year career as a City Manager and as a legislative analyst/advocate. I have managed code enforcement programs, written legislation, and have interpreted federal/state/local law. I have participated in depositions, served as an “expert witness” in federal court, and assisted local/state/federal prosecutors in a variety of cases. I have personally conducted code enforcement actions and served as “prosecutor.”

In Fort Bragg, California, I served in the additional capacity of Zoning Administrator where I heard and ruled on land use matters, including zoning violations. In Bell Gardens, California, I managed an aggressive code enforcement program and presented cases to the City’s Rehabilitation Appeals Board for enforcement action, including demolition of buildings.

As you will note in my resume, I have served as City Manager in five cities ranging in population from 2,800 to 105,000. My experience has included serving as a City Council Member, as Southern California Director for the League of California Cities, as a newspaper editor and as a small business owner.

I retired as City Manager in Brookings in 2018 and have a continuing non-compensated relationship with the City as City Manager Emeritus. I currently represent the City on the South West Area Commission on Transportation, and the Border Coast Regional Airport Authority.

My other current activities include serving as a Senior Advisor with the Oregon City/County Management Association, as a Senior Fellow with Portland State University, Center for Public Service, and as an associate with an executive recruitment firm managing city manager selection processes. These activities will not impair my ability to serve as Brookings Municipal Court Judge.

JUDICIAL PHILOSOPHY

My judicial philosophy is to gain compliance. For example, I often have defendants appear several times in court if they demonstrate making progress toward compliance. I would prefer that defendants use their resources to pay for compliance rather than pay a fine. I have reduced or suspended fines depending upon compliance. And, I have levied fines of up to \$7,500 for non-compliance.

MANAGEMENT EDUCATION AND RECOGNITION

My education includes a Bachelor of Arts from California State College at Los Angeles, a Master of Public Administration from the University of Southern California, and completion of the Senior Executives in State and Local Government program at Harvard University.

A Credentialed City Manager with the International City/County Management Association (ICMA), I am the 2012 recipient of the ICMA Career Excellence Award in recognition of:

"Outstanding efforts to further representative democracy by enhancing the effectiveness of local elected officials and by consistently initiating creative and successful programs."

Last year I was honored with the Herman Kehrli Award by the League of Oregon Cities in recognition of:

"Outstanding public service career that has provided lasting benefits by exceptional contributions to city government through his dedication, leadership and professionalism"

I look forward to a continuing relationship with the City of Brookings serving as Municipal Court Judge.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gary Hillman", with a stylized flourish at the end.

AGREEMENT FOR SERVICES MUNICIPAL COURT JUDGE

This Agreement is made and entered into this __th day of ____, 2020, by and between the City of Brookings (City) a municipal corporation of the State of Oregon, and Gary Milliman (Milliman), collectively referred to as the “Parties.”

RECITALS

1. Milliman and City entered into an Agreement dated August 26, 2013, whereby Milliman was appointed to serve as Municipal Court Judge Pro Tem.
2. At that time Milliman was also serving as City Manager for City and performed the services of Judge Pro Tem without additional compensation. Milliman has now retired as City Manager.
3. Milliman and City entered into an Agreement dated September 24, 2018, for his service as “Truancy Court Judge” in cooperation with the Brookings Harbor School District program to address chronic absenteeism. Milliman served as Truancy Court Judge on a pro-bono basis for the 2018-19 school year.
4. Municipal Court Judge Richard Harper has notified the City of his intent to retire in October, 2020.
5. The City now desires to retain the services of Milliman as Municipal Court Judge under the terms set forth in this Agreement.

NOWHEREFORE, the Parties agree as follows:

TERMS OF AGREEMENT:

1. **Contract for services:** City contracts with Gary Milliman for Municipal Judge services for the City of Brookings.
2. **Duties of Municipal Judge:**
 - a. Milliman will fully and faithfully perform all of the duties of Municipal Judge as defined under Chapter 2.25 of the Brookings Municipal Code and as set forth herein and in the attached job description.
 - b. Milliman shall serve as “Truancy Court Judge” in cooperation with the Brookings Harbor School District should that program be reinstated.
 - c. Milliman shall perform ceremonies administering the Oath of Office for City elected officials, officers and employees as requested by the Mayor or the City Manager.

- d. Milliman shall comply with all applicable federal, state and local laws, ordinances, and regulations and faithfully discharge the duties of Municipal Court Judge to the best of his ability.

3. **Compensation:**

- a. Milliman shall receive compensation of \$300.00 per month for services as Municipal Court Judge.
- b. Milliman shall receive compensation of \$250 per Truancy Court session for services as Truancy Court Judge should this program be reinstated and a new agreement is entered into between the City and the School District.
- c. City will budget and pay for up to \$1,500 in judicial continuing education expenses annually. Said expenses may include tuition, travel and per diem costs.

4. **Term:** The City Council may, by majority vote, terminate this Agreement and relieve Milliman of Municipal Judge duties and responsibilities at its sole discretion upon written notice. Milliman may terminate this Agreement for any reason upon written notice to the City Council.

5. **General provisions:**

- a. This Agreement, including the exhibits, constitutes the entire agreement between the Parties. Each of the exhibits identified in this Agreement is attached hereto and incorporated by this reference.
- b. Any modification or amendment to this Agreement must be made in writing and signed by both parties.
- c. This Agreement is personal to the Parties. Milliman may not assign or delegate his duties hereunder.
- d. This Agreement is executed on behalf of City as authorized by its City Council.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed and executed in Brookings, Oregon, on the day and year first written below.

Dated: _____, 2020.

CITY OF BROOKINGS

MUNICIPAL JUDGE

By: Jake Pieper, Mayor
898 Elk Drive
Brookings, OR 97415
(541) 469-2163

Gary Milliman
1090 Parkview Drive
Brookings, OR 97415
(541) 813-9267

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/20	08/05/2020	85104	6024	Chan's Restaurant	32-00-2005	240.00- V
08/20	08/06/2020	85192	5908	Amazon Capital Services	10-00-2005	108.95
08/20	08/06/2020	85193	6019	Bear's Bar & Grill	32-00-2005	30.00
08/20	08/06/2020	85194	5405	Black Trumpet Bistro	32-00-2005	90.00
08/20	08/06/2020	85195	4788	Bureau of Labor & Industries	50-00-2005	250.00
08/20	08/06/2020	85196	5108	Brad Kelly, PT	10-00-2005	90.00
08/20	08/06/2020	85197	313	Brookings Vol Firefighters	10-00-2005	2,250.00
08/20	08/06/2020	85198	715	Budge McHugh Supply	20-00-2005	625.57
08/20	08/06/2020	85199	5567	CAL/OR Insurance Specialists Inc	30-00-2005	683.33
08/20	08/06/2020	85200	5070	Canon Solutions America	10-00-2005	54.25
08/20	08/06/2020	85201	1373	Cascade Fire Equipment	10-00-2005	1,042.24
08/20	08/06/2020	85202	5822	Chaves Consulting Inc	49-00-2005	370.20
08/20	08/06/2020	85203	5952	Chetco Auto Marine & Industrial Supply	15-00-2005	65.41
08/20	08/06/2020	85204	5500	Chetco Brewing Company	32-00-2005	90.00
08/20	08/06/2020	85205	4928	CIS Trust	30-00-2005	174,868.18
08/20	08/06/2020	85206	3834	Clean Sweep Janitorial Service	25-00-2005	175.00
08/20	08/06/2020	85207	4882	Coastal Heating & Air	10-00-2005	1,095.00
08/20	08/06/2020	85208	5827	Coastal Investments LLC	10-00-2005	1,130.00
08/20	08/06/2020	85209	1745	Coastal Paper & Supply, Inc	10-00-2005	2,375.82
08/20	08/06/2020	85210	5939	Country Media Inc	10-00-2005	10.00
08/20	08/06/2020	85211	173	Curry Equipment	20-00-2005	1,394.79
08/20	08/06/2020	85212	284	Day Management Corp	10-00-2005	461.75
08/20	08/06/2020	85213	5333	Double D Electric	30-00-2005	1,069.36
08/20	08/06/2020	85214	2186	Ferguson Waterworks #3011	20-00-2005	9,855.55
08/20	08/06/2020	85215	6003	First Rise Baking Co LLC	32-00-2005	60.00
08/20	08/06/2020	85216	5004	Galls LLC	10-00-2005	450.36
08/20	08/06/2020	85217	5065	Gold Beach Lumber	50-00-2005	1,431.95
08/20	08/06/2020	85218	5657	Gold Form & Label Company	25-00-2005	1,772.43
08/20	08/06/2020	85219	5932	Harden Psychological Associates PC	10-00-2005	95.00
08/20	08/06/2020	85220	199	Richard Harper	10-00-2005	400.00
08/20	08/06/2020	85221	6004	Kaya Sushi & Noodle House	32-00-2005	90.00
08/20	08/06/2020	85222	162	Kerr Hardware	10-00-2005	754.24
08/20	08/06/2020	85223	6005	Khun Thai Restaurant	32-00-2005	60.00
08/20	08/06/2020	85224	6025	La Flor de Mexico	32-00-2005	120.00
08/20	08/06/2020	85225	328	Les Schwab Tire Center	10-00-2005	167.03
08/20	08/06/2020	85226	279	One Call Concepts, Inc	25-00-2005	36.75
08/20	08/06/2020	85227	6007	Oxenfre Public House	32-00-2005	90.00
08/20	08/06/2020	85228	6009	Panchos Restaurant	32-00-2005	90.00
08/20	08/06/2020	85229	4	Israel Chavez	10-00-2005	676.00
08/20	08/06/2020	85230	4	Sarah Franssen	10-00-2005	218.00
08/20	08/06/2020	85231	4	Danielle Neely	10-00-2005	218.00
08/20	08/06/2020	85232	5983	Aaron Pettis	10-00-2005	110.00
08/20	08/06/2020	85233	322	Postmaster	25-00-2005	850.00
08/20	08/06/2020	85234	5772	PowerPhone Inc	30-00-2005	109.00
08/20	08/06/2020	85235	5768	Proficient Auto Center Inc	15-00-2005	113.02
08/20	08/06/2020	85236	6011	Rancho Viejo	32-00-2005	30.00
08/20	08/06/2020	85237	1840	Rogue Credit Union	15-00-2005	1,356.89
08/20	08/06/2020	85238	6010	Superfly Martini Bar & Grill	32-00-2005	120.00
08/20	08/06/2020	85239	6028	The Bite's On!	32-00-2005	120.00
08/20	08/06/2020	85240	6015	The Landing North	32-00-2005	60.00
08/20	08/06/2020	85241	3752	Trace Analytics, LLC	10-00-2005	19.51
08/20	08/06/2020	85242	4542	Umpqua Bank	45-00-2005	13,806.19
08/20	08/06/2020	85243	861	Village Express Mail Center	20-00-2005	50.21

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/20	08/06/2020	85244	2122	Cardmember Service	10-00-2005	7,538.12
08/20	08/06/2020	85245	5003	Wild River Pizza	32-00-2005	180.00
08/20	08/06/2020	85246	4220	Woof's Dog Bakery	61-00-2005	47.99
08/20	08/06/2020	85247	5992	Ziply Fiber	30-00-2005	195.69
08/20	08/13/2020	85248	4939	BI- Mart Corporation	10-00-2005	15.68
08/20	08/13/2020	85249	2407	Blue Star Gas	10-00-2005	4,287.55
08/20	08/13/2020	85250	4506	Blue Water Cafe	32-00-2005	30.00
08/20	08/13/2020	85251	147	Brookings Glass Inc	50-00-2005	6,443.00
08/20	08/13/2020	85252	5048	Brookings Harbor Medical Center	10-00-2005	150.00
08/20	08/13/2020	85253	2364	C & S Fire-Safe Services LLC	10-00-2005	32.25
08/20	08/13/2020	85254	5858	CH2M Hill OMI	50-00-2005	4,711.11
08/20	08/13/2020	85255	822	Coast Auto Center	10-00-2005	260.90
08/20	08/13/2020	85256	183	Colvin Oil Company	10-00-2005	2,086.29
08/20	08/13/2020	85257	4746	Curry County Treasurer	10-00-2005	218.50
08/20	08/13/2020	85258	173	Curry Equipment	10-00-2005	391.92
08/20	08/13/2020	85259	259	Da-Tone Rock Products	10-00-2005	478.27
08/20	08/13/2020	85260	185	Del Cur Supply	10-00-2005	804.72
08/20	08/13/2020	85261	5224	Department of Administrative Services	25-00-2005	900.00
08/20	08/13/2020	85262	484	DMV	10-00-2005	14.00
08/20	08/13/2020	85263	4894	Anella Ehlers	10-00-2005	442.10
08/20	08/13/2020	85264	5951	Executech Utah LLC	49-00-2005	30.94
08/20	08/13/2020	85265	6021	Fely's Cafe	32-00-2005	30.00
08/20	08/13/2020	85266	2186	Ferguson Waterworks #3011	50-00-2005	1,906.74
08/20	08/13/2020	85267	139	Harbor Logging Supply	20-00-2005	983.71
08/20	08/13/2020	85268	6030	Hartwick Automotive LLC	10-00-2005	287.56
08/20	08/13/2020	85269	4526	Janell K. Howard	10-00-2005	991.98
08/20	08/13/2020	85270	4526	Janell K. Howard	10-00-2005	510.00
08/20	08/13/2020	85271	5860	Lane Council of Governments	10-00-2005	4,448.46
08/20	08/13/2020	85272	6014	Mattie's Pancake House	32-00-2005	30.00
08/20	08/13/2020	85273	2	Deborah Levendusky	10-00-2005	100.00
08/20	08/13/2020	85274	4487	Net Assets Corporation	10-00-2005	660.00
08/20	08/13/2020	85275	329	New Hope Plumbing	10-00-2005	986.50
08/20	08/13/2020	85276	3159	NorthCoast Health Screening	10-00-2005	45.00
08/20	08/13/2020	85277	5008	Online Information Services	10-00-2005	114.10
08/20	08/13/2020	85278	5155	Oregon Department of Revenue	10-00-2005	910.00
08/20	08/13/2020	85279	4	Sara Ballard	10-00-2005	368.50
08/20	08/13/2020	85280	4	Caro Nishioka	10-00-2005	50.00
08/20	08/13/2020	85281	4	Cris Rice	10-00-2005	70.00
08/20	08/13/2020	85282	207	Quill Corporation	10-00-2005	220.75
08/20	08/13/2020	85283	5457	Speer Hoyt LLC	10-00-2005	1,343.00
08/20	08/13/2020	85284	380	Stadelman Electric Inc	15-00-2005	200.00
08/20	08/13/2020	85285	169	Waste Connections Inc	10-00-2005	1,202.63
08/20	08/13/2020	85286	5992	Ziply Fiber	30-00-2005	122.14
08/20	08/20/2020	85287	5908	Amazon Capital Services	10-00-2005	289.32
08/20	08/20/2020	85288	4734	Aramark Uniform Services	10-00-2005	150.00
08/20	08/20/2020	85289	6019	Bear's Bar & Grill	32-00-2005	30.00
08/20	08/20/2020	85290	5108	Brad Kelly, PT	10-00-2005	90.00
08/20	08/20/2020	85291	5070	Canon Solutions America	10-00-2005	369.22
08/20	08/20/2020	85292	5842	Century West Engineering Corp	33-00-2005	32,930.00
08/20	08/20/2020	85293	3015	Charter Communications	30-00-2005	594.98
08/20	08/20/2020	85294	5939	Country Media Inc	10-00-2005	75.25
08/20	08/20/2020	85295	5874	Cumulus Global	49-00-2005	6,818.00
08/20	08/20/2020	85296	317	DCBS - Fiscal Services	10-00-2005	826.32
08/20	08/20/2020	85297	1	Shaun Bessinger	20-00-2005	13.33
08/20	08/20/2020	85298	1	Paul Callens	20-00-2005	265.40
08/20	08/20/2020	85299	1	Cheryl Noland	20-00-2005	14.89

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
08/20	08/20/2020	85300	2640	Dyer Partnership Inc., The	51-00-2005	4,269.58
08/20	08/20/2020	85301	3342	Fastenal	15-00-2005	47.54
08/20	08/20/2020	85302	6018	Great American Smoke House	32-00-2005	30.00
08/20	08/20/2020	85303	4526	Janell K. Howard	10-00-2005	384.52
08/20	08/20/2020	85304	6004	Kaya Sushi & Noodle House	32-00-2005	30.00
08/20	08/20/2020	85305	6025	La Flor de Mexico	32-00-2005	30.00
08/20	08/20/2020	85306	283	Muffler & More	20-00-2005	182.95
08/20	08/20/2020	85307	5886	Office Depot Inc	10-00-2005	97.25
08/20	08/20/2020	85308	5168	Sporthaven, Inc	33-00-2005	2,880.00
08/20	08/20/2020	85309	6028	The Bite's On!	32-00-2005	30.00
08/20	08/20/2020	85310	6020	The Spoon Cafe	32-00-2005	30.00
08/20	08/20/2020	85311	6012	Tropicalia Brazilian Cuisine	32-00-2005	30.00
08/20	08/20/2020	85312	4820	Unites States Geological Survey	20-00-2005	11,125.00
08/20	08/20/2020	85313	169	Waste Connections Inc	32-00-2005	825.00
08/20	08/20/2020	85314	670	Western Equipment Distributors Inc	10-00-2005	461.88
08/20	08/20/2020	85315	5992	Ziply Fiber	25-00-2005	967.07
08/20	08/27/2020	85316	5908	Amazon Capital Services	25-00-2005	451.98
08/20	08/27/2020	85317	1169	Brookings Electronic Svs Inc	10-00-2005	128.10
08/20	08/27/2020	85318	2364	C & S Fire-Safe Services LLC	10-00-2005	20.75
08/20	08/27/2020	85319	3015	Charter Communications	10-00-2005	144.98
08/20	08/27/2020	85320	822	Coast Auto Center	10-00-2005	24,004.28
08/20	08/27/2020	85321	4882	Coastal Heating & Air	10-00-2005	426.28
08/20	08/27/2020	85322	1740	Code Publishing Company Inc	10-00-2005	181.50
08/20	08/27/2020	85323	183	Colvin Oil Company	10-00-2005	1,541.39
08/20	08/27/2020	85324	6013	Compass Rose Cafe	32-00-2005	90.00
08/20	08/27/2020	85325	1	James Gianola	20-00-2005	193.37
08/20	08/27/2020	85326	1	Kerr Hardware Inc	20-00-2005	39.32
08/20	08/27/2020	85327	6002	Dragon Palace	32-00-2005	30.00
08/20	08/27/2020	85328	749	Emerald Pool & Patio	10-00-2005	2,499.99
08/20	08/27/2020	85329	3342	Fastenal	15-00-2005	180.20
08/20	08/27/2020	85330	6021	Fely's Cafe	32-00-2005	30.00
08/20	08/27/2020	85331	6003	First Rise Baking Co LLC	32-00-2005	30.00
08/20	08/27/2020	85332	298	Freeman Rock, Inc	10-00-2005	2,013.53
08/20	08/27/2020	85333	5004	Galls LLC	10-00-2005	861.08
08/20	08/27/2020	85334	198	Grants Pass Water Lab	20-00-2005	294.00
08/20	08/27/2020	85335	4980	iSecure	10-00-2005	33.00
08/20	08/27/2020	85336	162	Kerr Hardware	33-00-2005	610.35
08/20	08/27/2020	85337	6014	Mattie's Pancake House	32-00-2005	30.00
08/20	08/27/2020	85338	4269	Gary Milliman	10-00-2005	50.00
08/20	08/27/2020	85339	329	New Hope Plumbing	10-00-2005	475.00
08/20	08/27/2020	85340	5703	PacWest Machinery	15-00-2005	832.03
08/20	08/27/2020	85341	798	Dan Palicki	61-00-2005	135.91
08/20	08/27/2020	85342	4	Cynthia Eddy	10-00-2005	109.00
08/20	08/27/2020	85343	4	Kayla Owens	10-00-2005	218.00
08/20	08/27/2020	85344	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
08/20	08/27/2020	85345	3	Windy Schrag	20-00-2005	98.36
08/20	08/27/2020	85346	3369	Schwabe Williamson & Wyatt PC	20-00-2005	1,210.00
08/20	08/27/2020	85347	6020	The Spoon Cafe	32-00-2005	30.00
08/20	08/27/2020	85348	6012	Tropicalia Brazilian Cuisine	32-00-2005	30.00
08/20	08/27/2020	85349	861	Village Express Mail Center	10-00-2005	21.66
08/20	08/27/2020	85350	5992	Ziply Fiber	10-00-2005	198.61
Grand Totals:						367,890.25

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary



City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1102 Fax (541) 469-3650

analls@brookings.or.us

Committee Vacancies

Date: September 14, 2020

Re: Vacant Volunteer Positions

Following is a list of all Commission/Committee positions and terms currently vacant:

Position	Held By	Month/ Day	Year Expires	Term/ Years
Parks & Req Commission #2	VACANT	2/1	2021	2